

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.

Melissa Hardy
Type or print name

Melissa Hardy
Signature

4/12/2002
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

SCHMIDT

SERIAL NO.: 09/839,185

FILED: April 19, 2001

TITLE: Apomixis Conferred by Expression
of SERK Interacting Proteins

GROUP ART UNIT: 1638

EXAMINER: Moonan

ATTORNEY DOCKET NO: S-30683A

CONFIRMATION NO.: 1538

RECEIVED

APR 23 2002

TECH CENTER 1600/2900

REPLY TO RESTRICTION/ELECTION REQUIREMENT

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Sir:

In response to the Restriction/Election Requirement dated December 14, 2001 requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby elect to prosecute the invention of Group I, claims 1-14, drawn to a Method of Increasing the Probability of Vegetative Reproduction of a Plant by Transgenically Expressing a Gene whose Protein Does Physically Interact with the Protein of a Somatic Embryogenesis Receptor Kinase (SERK) Gene, wherein said Gene encodes the Sequence comprising SEQ ID No: 2, and the resultant plant, for example classified in class 800, subclass 290. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

Applicants reserve their statutory right under §121 to prosecute the subject matter of the non-elected inventions in a timely-filed application.

A Petition for a Three Month Extension of Time to April 14, 2002 for entry of this paper is requested. The Commissioner is authorized to charge Applicants' credit card in the amount of \$920.00. A Credit Card Payment Form is enclosed for fee purposes.

Respectfully submitted,



Bruce Vrana

Attorney for Applicants

Registration No. 38,672

Telephone: 919-541-8614

Syngenta Biotechnology, Inc.
3054 Cornwallis Road
Research Triangle Park, NC 27709-2257

Date:

4/12/02